REMARKS/ARGUMENTS

1.) Claim Amendments

Claims 1, 2, 4-19, 21-40, and 44-49 are pending in the application. Claims 41-43 have been canceled herein. Claims 4 and 5 have been amended to correct informalities objected to by the Examiner. The Applicants have amended the remaining claims to correct inconsistencies in the punctuation and formatting of the claims. These amendments are not substantive and are not made for purposes of patentability. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Objections

On Page 2 of the Office Action, the Examiner objected to claims 4, 5, and 41-43 due to informalities. Withdrawal of the objection is respectfully requested due to the following amendments:

Claim 4 has been amended to correct the informality and to clarify the invention. Basis for the amendment is found in the originally filed specification on page 8, lines 27-31.

Claim 5 has also been amended to correct the informality and to clarify the invention. Basis for the amendment is found in the originally filed specification on page 10, lines 1-5.

Claims 41-43 have been canceled.

3.) Claim Rejections – 35 U.S.C. § 103(a)

On Page 3 of the Office Action, the Examiner rejected claims 1, 2, 6, 8, 14, 17-19, 21, 29, 33, 36, 40, 44, and 47 under 35 U.S.C. § 103(a) as being unpatentable over Bodin et al. (US 2006/0036719) in view of Yousefi'zadeh, et al. (US 6,950,848). The Applicants respectfully disagree.

The Examiner's reasoning is hard to discern. For example, he cites paragraph 0038 of Bodin for showing the claimed step of sending individual load information for a plurality of BRASs to an Ethernet access node. However, paragraph 0038 does not mention a BRAS, does not mention an Ethernet access node, and does not mention sending load information anywhere. A review of the entire Bodin document reveals disclosure of Network Resource Managers (NRMs) at different network levels, and an address mapping scheme for handling resource requests between the layers. There does not seem to be any disclosure, however, of the Applicants' claimed invention.

Regarding claim 1, for example, there is no disclosure of a plurality of Broadband Access Servers (BRASs) that each convey individual load information to an Ethernet access node. Additionally, there is no disclosure of an Ethernet access node that builds a database of available BRASs based on the conveyed individual load information, determines a preferred BRAS by analyzing the load information stored in the database, and forwards a received initiation message to the preferred BRAS.

The Examiner admits Bodin does not disclose the server implementing the database of available BRASs based on the conveyed individual load information. He contends this is shown by Yousefi'zadeh and cites column 11, lines 15-35 for showing this step. Once again, however, there is no disclosure of any part of the invention in these lines.

The Applicants' review of the entirety of Yousefi'zadeh has revealed that Col. 11, line 43 through col. 12, line 23 more accurately describes Yousefi'zadeh's process of load balancing between database servers as shown in FIG. 3. This process differs from the claimed invention because all of the connections between the web servers 18 and the database servers 24 pass through the currently active load-balancing module 32. Therefore, the load-balancing module knows the load on each database server at any given time. There is no need to populate a database with load information. Thus even if, for the sake of argument, Yousefi'zadeh's database servers and load-balancing modules are equated to the Applicants' BRASs and Ethernet access node, respectively, Yousefi'zadeh does not teach or suggest a load-balancing module that collects load information from individual database servers to build a load information database.

Thus, the combination of Bodin and Yousefi'zadeh does not teach or suggest all of the claimed limitations of amended claim 1. Therefore, the allowance of amended claim 1 is respectfully requested.

Independent claim 2 is similar to claim 1 except that the load information database is built by a mediation device instead of the Ethernet access node. Therefore, the allowance of claim 2 is respectfully requested for the same reasons discussed above.

Independent claim 6 includes limitations from both claim 1 and claim 2, and again recites that the load information database is built by the mediation device. The Ethernet access node accesses the database and determines the preferred BRAS by analyzing the load information stored in the database. These limitations are not taught or suggested by the combination of Bodin and Yousefi'zadeh. Therefore, the allowance of claim 6 is respectfully requested for the same reasons discussed above.

The Examiner stated that independent claims 18, 19, and 21 are all similar to claim 1 and are rejected for the same reasons. The Applicants respectfully submit that since claims 18, 19, and 21 are all similar to claim 1, they are allowable for the same reasons discussed above.

Claims 8, 14, 17, 40, 44, and 47 depend from base claim 6 and recite further limitations in combination with the novel elements of claim 6. Therefore, the allowance of claims 8, 14, 17, 40, 44, and 47 is respectfully requested.

Claims 29, 33, and 36 depend from base claim 2 and recite further limitations in combination with the novel elements of claim 2. Therefore, the allowance of claims 29, 33, and 36 is respectfully requested.

On Page 6 of the Office Action, the Examiner rejected claims 4, 5, 7, 9-13, 15, 16, 22-28, 30-32, 34, 35, 37-39, 45, 46, 48, and 49 under 35 U.S.C. § 103(a) as being unpatentable over Bodin et al. (US 2006/0036719) in view of Yousefi'zadeh, et al. (US 6,950,848), and further in view of Kitada et al (US 2003/0037163). The Examiner contends that Bodin and Yousefi'zadeh disclose the claimed invention except for substituting a destination broadcast address of the initiation message to the MAC address. The Applicants respectfully disagree because, as noted above, Bodin and

Yousefi'zadeh do not disclose the portions of the claimed invention asserted by the Examiner. Kitada also fails to disclose or suggest the limitations absent from Bodin and Yousefi'zadeh. Therefore, a *prima facie* case of obviousness has not been established.

Claims 4, 5, 28, 30-32, 34, and 35 depend from base claim 2 and recite further limitations in combination with the novel elements of claim 2. Therefore, the allowance of claims 4, 5, 28, 30-32, 34, and 35 is respectfully requested.

Claims 7, 9-13, 15, 16, 37-39, 45, 46, 48, and 49 depend from base claim 6 and recite further limitations in combination with the novel elements of claim 6. Therefore, the allowance of claims 7, 9-13, 15, 16, 37-39, 45, 46, 48, and 49 is respectfully requested.

Claims 22 and 23 depend from base claim 21 and recite further limitations in combination with the novel elements of claim 21. Therefore, the allowance of claims 22 and 23 is respectfully requested.

Claims 24 and 25 depend from base claim 18 and recite further limitations in combination with the novel elements of claim 18. Therefore, the allowance of claims 24 and 25 is respectfully requested.

Claims 26 and 27 depend from base claim 19 and recite further limitations in combination with the novel elements of claim 19. Therefore, the allowance of claims 26 and 27 is respectfully requested.

4.) Conclusion

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1, 2, 4-19, 21-40, and 44-49.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would expedite the prosecution of the Application.

Respectfully submitted,

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